AUG OF THE STATE O

#12/16tui

PTO/SB/31 (06-03)
Approved for use through 07/31/2003. OMB 0531-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMM Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB contoller

Docket Number (Optional) **NOTICE OF APPEAL FROM THE EXAMINER TO** 0011/03 THE BOARD OF PATENT APPEALS AND INTEFERENCES I hereby certify that this correspondence is being deposited with the In re Application of United States Postal Service with sufficient postage as first class mail Kishleck et a in an envelope addressed to "Commissioner for Patents, P.O. Box Application Number Filed 1450, Alexandria, VA 22313-1450" 09/779,26February 8, 2001 Signature_ FICIENCY MEASURING Examiner I. S. Lau Art Unit Typed or printed 2863 name Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner. 320.00 The fee for this Notice of Appeal is (37 CFR 1.17(b)) AUG -8 2003 TECHNOLOGY CENTER 2800 Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: A check in the amount of the fee is enclosed. Payment by credit card. Form PTO-2038 is attached. The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 11-1110 . I have enclosed a duplicate copy of this sheet. A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. I am the applicant/inventor. Signature assignee of record of the entire interest. Jonathan C. Parks See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) Typed or printed name (412) 355-6288 attorney or agent of record. X 40,120 Telephone number Registration number attorney or agent acting under 37 CFR 1.34(a). August 5, 2003 Registration number if acting under 37 CFR 1.34(a). NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

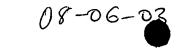
X

*Total of

forms are submitted.

1







TECHNOLOGY CENTER?

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kishlock et al.

Application No.: 09/779,266 Filed: February 8, 2001

Group No. 2863 Examiner: T. Lau

For: ENERGY EFFICIENCY MEASURING SYSTEM AND REPORTING METHODS

Commissioner for Patents P.O. Box: 1450 Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

"Express Mail" label number <u>ER524414805US</u>

Date of Deposit <u>August 5, 2003</u>

I hereby certify that the following attached paper or fee

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTEFERENCES (In duplicate)
CHECK PAYABLE TO PTO (For extra Notice of Appeal fee)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box: 1450, Alexandria, VA 22313-1450.

ed or printed same of person mailing paper or fee)

(Signature of person mailing paper or fee)

NOTE:

Each paper must have its own certificate and the "Express Mail" label number as a part thereof or attached thereto. When, as here, the certification is presented on a separate sheet, that sheet must (1) be signed and (2) fully identify and be securely attached to the paper or fee it accompanies. Identification should include the serial number and filing date of the application as well as the type of paper being filed, e.g. complete application, specification and drawings, responses to rejection or refusal, notice of appeal, etc. If the serial number of the application is not known, the identification should include at least the name of the inventor(s) and the title of the invention.

NOTE:

The label number need not be placed in each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

(Express Mail Certificate [8-3])